

TOWN OF NEWSTEAD – ZONING BOARD OF APPEALS
MINUTES of August 31, 2006

Present: Bill Kaufman
Dave Wakeman
John Klodzinski
Peter Randall
Jennifer Heberling – Recording Secretary

Absent: Corky Keppler
Rebecca Baker – Zoning Officer
John Good – Code Enforcement Officer

Bill called the meeting to order at 7:30 PM and led the Pledge of Allegiance to the American flag.

Proof of legal notice read by Zoning Board Clerk.

Area Variance Request – Kreher Poultry Farm – 5411 Davison Road

To construct a grain bin at 5411 Davison Road between 29’8” and 40’6” from the ROW. Code states the required set back is 65’ from the ROW.

Brett Kreher – 4695 Pepperwood Lane, Clarence, NY and Neal Kreher – 11091 Howe Road, Akron, NY both appeared in front of the Board. This year’s weather has been great for growing corn so the local crop is going to be better than it has been in years. Kreher’s buys the surplus corn crop from neighboring farms. They need to erect a new grain bin to accommodate this years crop. The other structures on their property were constructed closer to the road in the 1970’s and 1980’s when set backs were not an issue. They are penned in with their other grain bins and chicken barns. Davison has already been widened and gas and water are already installed so they will not encroach on future development.

Davison is a state road with a 33’ right of way. Aerial pictures of the property and other structures where shown to the board. Peter would like to know if they can keep the new grain bin in line with the pre-existing ones. They are purchasing a 60’ grain bin as opposed to their other ones that are 48’. They are trying not to pen themselves in so in the future they have room for more construction if necessary. They are also concerned that they will have enough room to actually get the grain bin in place.

Since no one else appeared to speak, the public hearing was closed at 7:52PM.

Peter made a motion to grant the variance to construct a grain bin no closer than 35’ from the right of way, Dave seconded.

Bill – Aye
Dave – Aye
John – Aye
Peter – Aye

Tabled Use Variance Request - 13399 Main Road – Della DeMaio

Discussion on information that was faxed to the office on August 31, 2006.

Bill stated that there has been some discussion started with the Town Board regarding coming up with guidelines regulating self-storage units. The Zoning Board does not feel they should start regulating these types of facilities. Peter thinks this is selective zoning and that Newstead Self Storage is basically renting junkyard space. Bill wanted Newstead Self Storage to tell the Board how they were going to handle unlicensed vehicles going forward and they did not supply the Board with that information.

John made a motion to deny the variance request to allow more than one unlicensed vehicle, Peter seconded.

Bill – Aye
Dave – Aye
Peter – Aye
John – Aye

Motion made by Peter to accept the minutes of 8/24/2006, seconded by Dave and all in favor.

Discussion on Randall Variance. Bill has received some information from the Town Attorney, Town Supervisor and Town Board which has started some discussion. Bill will share his findings with the Board when he has gotten more information.

Dave motioned to adjourn the meeting at 8:30PM, seconded by John and all approved.

Respectfully Submitted,
Jennifer L. Heberling
Recording Secretary